

Application No.: 09/803,467  
Response to OA dated: June 10, 2004  
Amendment dated: October 8, 2004

### **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed June 10, 2004. A Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee. The fee for addition of new claims is also included herewith.

Applicant acknowledges with gratitude the courtesy of the Examiner in granting a telephone interview on July 13, 2004, to discuss the instant Office Action. During the telephone interview, Applicant noted that a Preliminary Amendment had been filed by Applicant on September 5, 2001, amending the claims that had been originally filed. It appeared from discussion with the Examiner that the Preliminary Amendment was missing from the official file at the Patent Office. Accordingly, in preparing the Office Action, the Examiner considered only those claims originally filed with the application. During the telephone interview, when apprized of the missing Preliminary Amendment, the Examiner suggested filing a Response based on the claims in the Preliminary Amendment, and in preparing said Response considering any relevant arguments in the Office Action June 10, 2004.

A copy of the Preliminary Amendment dated September 5, 2001 is included herewith. Consideration of the Application, as amended, is respectfully requested.

#### **I. Summary of Examiners Rejections**

Prior to the Office Action mailed June 10, 2004, Claims 1-16 had been canceled, and new Claims 17-56 had been added by Preliminary Amendment, leaving Claims 17-56 pending in the Application. However, since the Preliminary Amendment was missing from the official file at the Patent Office, the Examiner considered only Claims 1-16 as originally filed with the application. The Examiner rejected Claims 1-16 under 35 U.S.C. 102(e) as being anticipated by Ramanathan et al. (U.S. Patent No. 6,286,047, hereafter Ramanathan).

#### **II. Summary of Applicants' Amendment**

The present Response amends Claims 17, 18, 19, 22, 24, 25, 26, 32-34, 42, 44, 45 and 53; cancels Claims 35-41, 43 and 46-52; and adds new Claims 57-77, leaving for the Examiner's present consideration claims 17-34, 42, 44, 45 and 53-77. Reconsideration of the Application, as

amended, is respectfully requested. Applicant reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

### **III. Claim Rejections under 35 U.S.C. § 102(e)**

In the Office Action mailed June 10, 2004, Claims 1-16 were rejected under 35 U.S.C. 102(e) as being anticipated by Ramanathan (U.S. Patent No. 6,286,047).

#### **Claims 1-16**

Claims 1-16 had been canceled by the Applicant by way of Preliminary Amendment, rendering moot the rejection of these claims. However, the rejections of claims 1-16 have been considered by the Applicant in regard to Claims 17-77.

#### **Claim 17**

Claim 17 has been amended by the current Response to more clearly define the embodiment of the invention therein. As amended, Claim 17 defines:

17. *(Currently Amended) A method for operating a replicated naming service for service providers on a plurality of processing devices comprising the steps of:*
- operating a first naming service having service pools on a first processing device, wherein a service pool includes a replica aware stub for each service provider providing a similar service;*
  - operating a second naming service having service pools on a second processing device, wherein a service pool includes a replica aware stub for each service provider providing a similar service, and wherein second naming service is a replicate of said first naming service;*
  - receiving a signal from a second processing device, wherein the signal indicates a change in at least one instance of a service provided by the second processing device; and*
  - modifying the first naming service according to the signal.*

Claim 17, as currently amended, defines a method for operating a replicated naming service comprising the steps of operating a first naming service having service pools on a first processing

device, wherein a service pool includes a replica aware stub for each service provider providing a similar service and operating a second naming service having service pools on a second processing device, wherein a service pool includes a replica aware stub for each service provider providing a similar service, and wherein second naming service is a replicate of said first naming service. The method also defines the steps of receiving a signal from the second processing device and modifying the first naming service according to the signal.

Ramanathan discloses a method and system for automatic discovery of network services. As disclosed therein, Ramanathan apparently discloses a service model graph for the Read Mail service as perceived by an Internet Service Provider (ISP) subscriber connected to the ISP system. The oval-shaped nodes in Figure 7 represent different services and service elements, while the arrows represent measurements of services and service elements (Col. 23, Lines 3-6). Figure 7 discloses a service model graph with different services or service elements (100-DNS service, 102 - DNS Server, 104 DNS Host, 106- DNS MS Link) at different nodes, and their measurements (CPU status, performance etc). This suggests that, in Ramanathan, the services of the service model graph do not represent a service and a replicated service, but instead represent distinct and different services. Furthermore, it does not appear that Ramanathan discloses a service having a service pool of replica aware stubs.

However, in the embodiment of the invention defined by Claim 17, as currently amended, the first and the second naming services are replicates of each other. Each naming service has a service pool of replica aware stubs for each service provider providing a similar service. To offer an instance of a service, a server advertises a provider of the service at a particular node in a replicated naming tree. In accordance with one embodiment, each server adds a RA stub for the provider to a compatible service pool stored at the node in the server's copy of the naming tree. When a client looks up the service, the client obtains a RA stub that contacts the service pool to refresh the client's list of service providers.

Applicant respectfully submits that Claim 17, as currently amended, is neither anticipated by, nor obvious in view, of the cited references, and consideration thereof is respectfully requested.

**Claims 18-21, 23, 25-34, 42, 44, 45 and 53-56**

Claims 18-21, 23, 25-34, 42, 44, 45, and 53-56 are not addressed separately but it is respectfully submitted that these claims are allowable in view of the comments provided above with respect to claim 17. Applicant respectfully submits that Claims 18-21, 23, 25-34, 42, 44, 45, and 53-56 are similarly neither anticipated by, nor obvious in view, of the cited references, and consideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant reserves the right to argue these limitations should it become necessary in the future.

**Claims 22 and 24**

Claims 22 and 24 have been amended to correct typographical errors.

**Claims 35-41, 43 and 46-52**

Claims 35-41, 43, and 46-52 have been canceled by the present Response.

**IV. Additional Amendments**

**Claims 57-77**

Claims 57-77 have been newly added by the present Response. Applicant respectfully requests that new Claims 57-77 be included in the Application and considered therewith.

**V. Conclusion**

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In view of the above amendments and remarks, it is respectfully submitted that all of the Claims now pending in the subject patent application should be allowable, and consideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

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Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including October 12, 2004.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 8, 2004

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